

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT LEE,

Plaintiff,

-v-

P.O. SANTIAGO et al.,

Defendants.

12 Civ. 2558 (PAE)(DF)

ORDER

PAUL A. ENGELMAYER, District Judge:

On April 3, 2012, plaintiff Robert Lee (“Lee”) brought this action against the City of New York (the “City”) and a number of police and corrections officers, alleging that defendants violated his constitutional rights by, *inter alia*, stopping, searching, and arresting Lee without probable cause. On November 28, 2012, Lee accepted the City’s Offer of Judgment in the amount of \$7,501 plus “reasonable attorneys’ fees, expenses, and costs.” Dkt. 28.

On January 22, 2013, Lee filed a motion for the Court to award attorneys’ fees and costs, pursuant to 42 U.S.C. § 1988 and Federal Rule of Civil Procedure 54(d), in the amount of \$68,332.75. Dkt. 31.

On February 14, 2013, the Court referred the application to the Honorable Debra C. Freeman, United States Magistrate Judge. Dkt. 40. On August 15, 2013, Judge Freeman issued a Report & Recommendation (the “Report”) to this Court, recommending that Lee be awarded a total of \$40,385 in fees and costs. Dkt. 44. That Report provided for an award of \$40,035 in attorneys’ fees and \$350 in costs, “unless counsel provides substantiation for additional amounts

claimed to have been expended.” Report 26. The Report stated that the parties were required to file any objections within 14 days from the date of the Report’s issuance. *Id.*

On August 28, 2013, the Court received from Lee’s counsel a letter with attached documentation detailing the costs incurred in prosecuting the action, as contemplated by Judge Freeman’s Report. Dkt. 46. That letter and its attached exhibits accounted for an additional \$138.15 in costs. Although styled as “Objections” to the Report, that letter contained no objections to Judge Freeman’s findings of fact or conclusions of law aside from the additional costs it requested. The defendants submitted no objections.

DISCUSSION

In reviewing a Report and Recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). When specific objections are made, “[t]he district judge must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); *see United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). To accept those portions of the report to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *King v. Greiner*, No. 02 Civ. 5810 (DLC), 2009 WL 2001439, at *4 (S.D.N.Y. July 8, 2009) (citing *Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)); *see also Edwards v. Fischer*, 414 F. Supp. 2d 342, 346–47 (S.D.N.Y. 2006) (citation omitted).

CONCLUSION

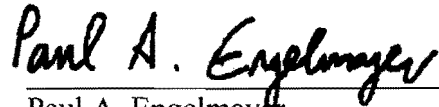
Careful review of the meticulous, well-reasoned, and quite convincing Report reveals no clear error. On the contrary, Judge Freeman’s Report thoroughly canvasses the attorneys’ fees awarded in analogous cases in this District to attorneys with comparable levels of experience.

The Court agrees with Judge Freeman's proposed reductions to the requested attorneys' fees, for a total of \$40,385 in attorneys' fees. The Report is adopted without modification as to that award, and is incorporated by reference herein.

As to the award of costs, however, the materials submitted by counsel after Judge Freeman's Report sufficiently document the costs incurred.¹ For that reason, the Court has concluded that an additional \$138.15 in costs is merited. The Court therefore awards a total of \$488.15 in costs to the plaintiff.

The Clerk of Court is respectfully directed to terminate the motion at docket number 31 and to close this case.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: September 10, 2013
New York, New York

¹ The Court notes further that defendants have not objected to plaintiffs' request for the additional \$138.15 in costs.